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accomplished. The last sphere embraces those individual rights which are secured by constitutional guarantees. Religion, speech, and press are exempt from police interference except to a slight degree in the furtherance of good order and morality. So far, however, little difficulty has been encountered in the mutual adjustments of these interests.

In the opinion of the reviewer much of the confusion in the subject has come from extending the term "police power" to embrace the second and disputed sphere of state control. But if the popular misuse of the term has become too deeply engrafted in legal works and opinions, to allow a more restricted use of the phrase, then the careful and definite division, now made prominent for the first time in a text-book, is absolutely essential to clearness.

In a few points one regrets that the discussion of the author is not more elaborate. The treatment of the police power in connection with the "Fourteenth Amendment" covers only two pages, and the "Commerce Clause" does not seem to have its just prominence. Still, in general, the treatment by Professor Freund is detailed and exhaustive. The author is to be congratulated on producing what is perhaps the best work on the subject.

**TEXT-BOOK OF THE PATENT LAWS** of the United States of America. By Albert H. Walker. Fourth edition. New York: Baker, Voorhis and Company. 1904. pp. cviii, 755. 8vo.

When the third edition of this work was published in 1895 the author stated in his preface that except in the event of the enactment of a new system of patent statutes "a necessity for another edition of this book cannot now be foreseen and, therefore, I present this edition to the bench and to the bar as probably my final contribution to the literature of the patent law." Since that time, however, Congress has amended the patent laws very extensively and has thus impelled Mr. Walker to issue this year the fourth edition; and he now hopes to continue his work from time to time in the future.

In all, six statutes have been passed, but the most important changes in the patent laws since the publication of the third edition are contained in the Patent Act of 1897, 29 Stats. at Large, Chap. 391, and in the Patent Act of 1903, 32 Stats. at Large, Chap. 1019. Before the Act of 1897, a prior patent or publication, in order to invalidate a patent or justify the refusal of an application, must have been made earlier in date than the time when the applicant made his invention. By the Act of 1897, the anticipation is sufficient if the device was patented or described before the date of the applicant's invention, or two years before his application.

Before the Act of 1897, if an invention were patented in a foreign country and also in the United States and the patent in a foreign country lapsed before that in the United States would terminate, it was held that the patent monopoly in the United States must cease at the same date as the monopoly in a foreign country. By the Act of 1897, the law on this point is changed, so that no patent shall be declared invalid by reason of its having been first patented in a foreign country, provided application for a patent in this country be made within seven months of the application in a foreign country.

One other important change was made by the Act of 1897. A uniform statute of limitation was established for suits and actions brought for the infringement of patents. There was a limitation to suits or actions previously, for it had been held by the Supreme Court that the statutes of limitation of the separate states should apply in suits, but it is certainly more satisfactory that the system should be uniform.

By the Act of 1903 the requirement that an application be made in this country within seven months after an application in a foreign country in order to secure the benefit of the Patent Act of 1897, has been changed so that the inventor is now given twelve months within which to apply for a patent in this country. By the same act, a change is made whereby the benefit of a *caveat* is extended to any person, and is no longer limited to a citizen of the United

States. These statutes are so recent that they have not been subject to many adjudications by the courts, and, therefore, the embodiment of these changes in the law in Mr. Walker's book is timely and should be of assistance.

Since the publication of his third edition, some two thousand patent cases have been decided. Very wisely Mr. Walker omitted from his new book all of those decisions which were confined purely to questions of fact, but in the new edition he has included seven hundred recent cases which contain modifications of the patent law.

This edition represents probably the best modern text-book on the law of patents, and is the only treatment of the modern American law of patents. It is concise, well arranged, and contains citation and discussion of all the important cases. It is not so exhaustive as "Robinson on Patents," which was published in 1890, but is, perhaps, for that reason, more useful. It is certainly of value to the profession to have so thorough and well-considered a work confined within the limits of a single volume.

S. H. E. F.

#### A TREATISE ON SPECIAL SUBJECTS OF THE LAW OF REAL PROPERTY.

Containing an Outline of all Real-Property Law and more elaborate treatment of the subjects of Fixtures, Incorporeal Hereditaments, Tenures and Allodial Holdings, Uses, Trusts and Powers, Qualified Estates, Mortgages, Future Estates and Interests, Perpetuities, and Accumulations. By Alfred G. Reeves, Professor of Law in the New York Law School. Boston: Little, Brown and Company. 1904. pp. lxxv, 913. 8vo.

In the introductory portion of this book the author discusses the subject of fixtures and other property which may be real or personal according to circumstances, and also gives an outline of the subject of real property, in which he briefly describes the various subdivisions as they are later to be discussed in his treatise. In this outline we learn that the author has divided the whole subject into four main divisions: kinds of real property, holdings of real property, estates in real property, title to real property. The first and second divisions are complete in this volume. Of the third, two subdivisions, according to the classification of the author, estates as to quantity and those as to number and connection of the owners, yet remain undone. The fourth division is not touched upon in this volume. The author, in his preface, however, promises that the parts as yet uncovered will be treated in a continuation to be forthcoming within the next three or four years.

The outline of the treatise is well arranged and makes possible the logical development of the subject, which is a distinguishing merit of the work. His method of presentment is not a compilation of statements of cases, but rather a statement of the law according to his own conclusions. In one respect, however, the work must be considered defective. Points of great importance, but doubtful in the law, the author is often content to cover without a sufficient indication of the uncertainty, and too often without detailed reasoning in support of his own conclusions. A text writer may safely leave much of the reasoning to be supplied by the reader, if the law is stated aptly and with logical sequence; this the author has in the main done exceedingly well. But there are always crucial questions in which the reader may feel at a loss, unless he is himself thoroughly acquainted with the questions. It is in the treatment of these crucial and often doubtful questions, upon the sound elucidation of which so much depends for a comprehension of the logical consistency of the whole, that the reader has a right to expect the writer to lend the aid of his own originality, perception, or investigation. In this we feel that the author has not done himself the justice due to his acquaintance with the subject, of which the soundness of his work furnishes ample evidence. The most striking quality of the book is, perhaps, its uniform and refreshing lucidity. Seldom, indeed, is it wanting in clearness of exposition. Too much, the critic is inclined to feel, cannot be said in commendation of this quality, the lack of which is too often a sadly marring feature in legal text-books of